

**ENERGY COMMISSION (ENERGY EFFICIENCY)  
(PROHIBITION OF MANUFACTURE, IMPORTATION AND  
SALE OF INCANDESCENT FILAMENT LAMPS)  
REGULATIONS, 2022**

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**ENERGY COMMISSION (ENERGY EFFICIENCY)  
(PROHIBITION OF MANUFACTURE, IMPORTATION AND  
SALE OF INCANDESCENT FILAMENT LAMPS)  
REGULATIONS, 2022**

IN exercise of the power conferred on the Minister responsible for Energy by subparagraph (i) of paragraph (a) of subsection (1) of section 56 of the Energy Commission Act, 1997 (Act 541) and on the advice of the Board, these Regulations are made this 21<sup>st</sup> day of March, 2022.

*Preliminary Provisions*

**Purpose of Regulations**

1. The purpose of these Regulations is to
  - (a) promote the efficient use and conservation of energy in the country; and
  - (b) mitigate energy related climate change and contamination of water bodies

by prohibiting the manufacture, importation and sale of incandescent filament lamps.

**Application of Regulations**

2. (1) These Regulations apply to a manufacturer or importer of an incandescent filament lamp.

(2) These Regulations do not apply to a lamp which has been specifically tested and approved to operate

- (a) in a potentially explosive atmosphere;
- (b) for emergency use in a building;
- (c) in a radiological or nuclear medicine installation;
- (d) in or on a military or civil defence establishment, equipment, ground vehicle, marine equipment or aircraft;
- (e) in or on
  - (i) a motor vehicle;
  - (ii) a trailer or system of a motor vehicle;
  - (iii) an interchangeable towed equipment;
  - (iv) a component or a separate technical unit;

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- (f) in or on
  - (i) a non-road mobile machinery; or
  - (ii) a trailer of non-road mobile machinery;
- (g) in or on civil aviation aircraft, an airport runway or an aviation installation;
- (h) in a railway vehicle lighting;
- (i) in marine equipment;
- (j) in a medical device;
- (k) a battery-operated product, including
  - (i) a torch;
  - (ii) a mobile phone with an integrated torch light;
  - (iii) a toy, including a light source;
  - (iv) a desk lamp operating only on batteries;
  - (v) an armband lamp for cyclists; and
  - (vi) a solar-powered garden lamp;
- (l) a lamp on a bicycle and other non-motorised vehicle;
- (m) signalling, including road-signalling, railway-signalling, marine-signalling, air traffic-signalling, traffic control or an airfield lamp;
- (n) a light source with the primary purpose of emitting radiation around 185,1 nm and intended to be used for the generation of ozone;
- (o) a light source
  - (i) with a photosynthetic efficacy greater than 1,2  $\mu\text{mol}/\text{J}$  or emitting 25 per cent or more of total radiation power of the range 250-800 nm in the range of 700-800 nm; or
  - (ii) with a photosynthetic efficacy greater than 1,2  $\mu\text{mol}/\text{J}$  and emitting 25 per cent or more of total radiation power of the range 250-800 nm in the range of 700-800 nmand intended for use in horticulture;
- (p) a light source with a beam angle of less than  $10^\circ$  and intended for spot-lighting applications requiring a very narrow light beam;

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- (q) a halogen light source with a luminous flux greater than 12 000 lm, designed and marketed specifically for
  - (i) scene-lighting use in a film studio, a television studio, a photographic studio; or
  - (ii) stage-lighting use in a theatre, disco, during a concert or other entertainment event;
- (r) a lamp or light source provided specifically for use by a photosensitive patient, to be sold in a pharmacy or other authorised selling point upon presentation of a medical prescription;
- (s) an incandescent light source, except a halogen light source, which fulfils the following conditions:
  - (i) power less than or equal to 40 W;
  - (ii) length less than or equal to 60 mm;
  - (iii) diameter less than or equal to 30 mm;
  - (iv) declared suitable for operation at an ambient temperature greater than or equal to 300 °C; and
  - (v) intended for use in a high temperature application;or
- (t) a lamp which is designed and marketed specifically for
  - (i) scene-lighting use in a film studio, a television studio or location, a photographic studio or location; or
  - (ii) stage-lighting use in a theatre, during a concert or other entertainment event.

*Prohibition of the Manufacture, Importation and Sale of Incandescent  
Filament Lamp*

**Prohibition of manufacture, importation, storage, sale, distribution,  
donation and disposal of incandescent filament lamp**

3. A person shall not manufacture, import, store, offer for sale, sell, distribute, donate or dispose of an incandescent filament lamp in the country.

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*Enforcement Authority and Market Surveillance*

**Power of enforcement authority**

4. (1) An enforcement authority shall seize an incandescent filament lamp

- (a) manufactured in the country; or
- (b) imported into the country

and stored, distributed, offered for sale, sold, donated or disposed of in the country.

(2) An enforcement authority may, for the purpose of exercising the power conferred under subregulation (1), at any reasonable time, enter any premises if that enforcement authority has reason to believe that an incandescent filament lamp

- (a) manufactured in the country; or
- (b) imported into the country

is being stored, distributed, offered for sale, sold or disposed of.

(3) An enforcement authority may, for the purpose of exercising the power conferred under subregulation (1), at any reasonable time

- (a) cause a container to be opened for inspection;
- (b) open a container where compliance with paragraph (a) is not practicable; or
- (c) seize and detain a record to be used as evidence in proceedings in respect of an offence committed under these Regulations.

(4) An enforcement authority shall direct an importer of an incandescent filament lamp to return the incandescent filament lamp to the country of origin.

(5) Where the importer fails to comply with a directive of an enforcement authority under subregulation (4), the enforcement authority shall

- (a) seize and destroy the incandescent filament lamp in a manner that the Commission may determine; and

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- (b) surcharge the importer with the expenses incurred in the destruction of the incandescent filament lamp.

**Order to access premises to inspect or seize incandescent filament lamp or record**

5. Where

- (a) an enforcement authority is refused entry to premises;  
(b) a notification to enter premises would defeat the purpose of the entry;  
(c) the premises to be entered are unoccupied; or  
(d) the occupier of premises to be entered is temporarily absent,

the enforcement authority may apply to a court for an order to enter the premises to inspect or seize an incandescent filament lamp or record if the enforcement authority has reasonable grounds to believe that an incandescent filament lamp or record on the premises may assist in the disclosure of evidence of the commission of an offence under these Regulations.

**Conduct of market surveillance**

6. Despite regulation 4, the Commission and the Standards Authority shall conduct market surveillance to ensure compliance with these Regulations.

*Miscellaneous Provisions*

**Offences and penalties**

7. (1) A person who

(a) contravenes regulation 3, or

(b) obstructs or interferes with an enforcement authority in the performance of the functions of the enforcement authority

commits an offence and is liable on summary conviction to a fine of not less than one hundred and twenty-five penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

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(2) A person who commits a second or subsequent offence under subregulation (1) is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than twelve months and not more than twenty-four months or to both.

(3) An enforcement authority that aids and abets a person to contravene these Regulations commits an offence and is liable on summary conviction to a fine of not less than one hundred and twenty-five penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

(4) An enforcement authority that commits a second or subsequent offence under subregulation (3) is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than twelve months and not more than twenty-four months or to both.

(5) Where an offence under these Regulations is committed by a body corporate, each member, director or officer concerned with the management of the body corporate is deemed to have committed the offence and is liable on summary conviction to

- (a) a fine of not less than five hundred penalty units and not more than one thousand penalty units; and
- (b) the payment of compensation for the damage resulting from the contravention.

**Interpretation**

8. In these Regulations, unless the context otherwise requires, “enforcement authority” means

- (a) an authorised officer of the Commission;
- (b) an authorised officer of the Standards Authority;
- (c) an authorised officer of the Customs Division of the Ghana Revenue Authority;
- (d) an authorised officer of the Police Service; and

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(e) any other person designated by an institution specified in paragraphs (a) to (d) to carry out inspections and exercise the powers of seizure under these Regulations;

“incandescent filament lamp” means a light bulb with tungsten filament which is housed in a glass globe or similar housing;

“lamp” means an electrically operated device

(a) intended to emit light using

(i) incandescence;

(ii) fluorescence;

(iii) high-intensity discharge;

(iv) inorganic light emitting diodes;

(v) organic light emitting diodes; or

(vi) a combination of inorganic light emitting diodes or organic light emitting diodes

as lighting technology; and

(b) that can be verified as a light source;

“premises” include

(a) land and any improvements on the land;

(b) a building;

(c) a store;

(d) a shop;

(e) an apartment; or

(f) any other structure used for the storage of an incandescent filament lamp; and

“record” includes a book, document, label, mark, symbol, inscription and information in a non-documentary form.

### **Revocation and savings**

9. (1) The Energy Efficiency (Prohibition of Manufacture, Sale or Importation of Incandescent Filament Lamp, Used Refrigerator, Used Used Refrigerator-Freezer, Used Freezer and Used Air-Conditioner) Regulations, 2008 (L.I. 1932) are revoked.



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(2) Subregulation (1) shall not affect L.I. 1932 in the operation of offences committed, penalties imposed or proceedings commenced before the coming into force of these Regulations.

**HON. DR. MATTHEW OPOKU PREMPEH (MP)**

*Minister responsible for Energy*

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